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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/132,157	08/11/98	FORBES	303,229052

MM21/1027  
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EXAMINER

PRENTY, M

ART UNIT PAPER NUMBER

2822

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DATE MAILED: 10/27/98

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

### OFFICE ACTION SUMMARY

☒ Responsive to communication(s) filed on 8/11/98

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

- ☒ Claim(s) 11-14 is/are pending in the application.  
Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 11-14 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

- ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

- ☒ Notice of Reference Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

—SEE OFFICE ACTION ON THE FOLLOWING PAGES—

This Office Action is in response to the papers filed August 11, 1998.

Claims 11 and 14 are rejected under 35 U.S.C. §102(b) as anticipated by Selvakumar et al. (United States Patent 5,426,069). See Selvakumar et al's Figs. 1-7 embodiment in particular.

Claims 12-13 are rejected under 35 U.S.C. §103 as being unpatentable over Selvakumar et al. (United States Patent 5,426,069) together with Crabbe' et al. (United States Patent 5,821,577).

With respect to dependent claim 12, the difference between its transistor and Selvakumar et al's transistor is that they are p-type and n-type, respectively. Crabbe' et al. illustrates a p-type SiGe channel transistor. It would have been obvious to one skilled in this art to extend Selvakumar et al's disclosure to a p-type transistor as suggested by Crabbe' et al.. Claim 12 is thus rejected under 35 U.S.C. §103 as being unpatentable over Selvakumar et al. together with Crabbe' et al..

With respect to dependent claim 13, the difference between its transistor and Selvakumar et al's transistor is that the latter's SiGe channel thickness is unknown while the former's SiGe channel thickness is "approximately 100 to 1,000 angstroms thick." Crabbe' et al. illustrates a 150 angstrom thick SiGe channel (see Figure 1(a)). It would have been obvious to one skilled in this art to make Selvakumar et al's SiGe channel 150 angstroms thick as suggested by Crabbe' et al.. Claim 13 is thus rejected under 35 U.S.C. §103 as being unpatentable over Selvakumar et al. together with Crabbe' et al..

Registered practitioners can telephone examiner Prenty at (703) 308-4939. All other parties should telephone Toby Brown at (703) 308-4083. The fax number is (703) 308-7722.

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